

1 PHILLIP A. TALBERT
2 United States Attorney
3 JUSTIN L. LEE
4 Assistant United States Attorney
5 501 I Street, Suite 10-100
6 Sacramento, CA 95814
7 Telephone: (916) 554-2700

8 Attorneys for Plaintiff
9 United States of America

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
GILDARDO PEREZ AVILEZ,
Defendant.

CASE NO. 2:22-CR-00167-WBS
STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER
DATE: July 24, 2023
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on July 24, 2023.

2. By this stipulation, defendant now moves to continue the status conference until October 16, 2023 at 9:00 a.m., and to exclude time between July 24, 2023, and October 16, 2023, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) Counsel for defendant desires additional time review the discovery, meet with her client, conduct defense investigation, and otherwise prepare for trial. In addition, counsel for defendant has made specific discovery requests to the United States. Counsel will need time to review the additional discovery that will be produced responsive to this request.

b) Counsel for defendant believes that failure to grant the above-requested continuance would deny her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

c) The government does not object to the continuance.

d) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of July 24, 2023 to October 16, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: July 19, 2023

PHILLIP A. TALBERT
United States Attorney

Dated: July 19, 2023

/s/ **DINA SANTOS**
DINA SANTOS
Counsel for Defendant
GILDARDO PEREZ AVILEZ

ORDER

IT IS SO FOUND AND ORDERED.

Dated: July 19, 2023

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE